



Entered on Docket  
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH OMNIBUS  
OBJECTION OF USACM LIQUIDATING  
TRUST TO DUPLICATE PROOFS OF  
CLAIM**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifth Omnibus Objection of USACM Liquidating  
2 Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No. 6736] (the  
3 “Objection”); the Court having heard the matter on February 20, 2009; appropriate notice  
4 of the Objection having been given; no response to the Objection having been filed; and  
5 good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their  
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by  
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)  
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John Hinderaker (*pro hac vice*)  
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19

20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22

23 By: \_\_\_\_\_  
August Landis  
24 Assistant United States Trustee

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

## EXHIBIT A

**USA – DUPLICATE CLAIMS TABLE (5)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Ramsey, Aaron & Lara 7713 N 41 <sup>st</sup> St Niwot, CO 80503	10725-01132 10725-01133	\$37,005.78 \$37,005.78	These claims are based on investment in Bay Pompano Beach. They are exact duplicates and are amended by Claim #10725-02152. The USACM Liquidating Trust requests claim #10725-01132 and 10725-01133 be disallowed in their entirety.	10725-02152	\$76,518.00
Sterling, Tom 213 Royal Aberdeen Way Las Vegas, NV 89144	10725-00981	\$150,000.00	The claim is based on investment in Fiesta Oak Valley and is a duplicate of Claim #10725-01170. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00981 be disallowed in its entirety.	10725-01170	\$50,000.00
Albert Daniel Andrade P.O. Box 2122 Oakdale, CA 95361-5122	10725-01189	\$100,912.00	This claim is based on investment in Marlton Square and Cornman Totlec 160, LLC and is a duplicate of Claim #10725-01399. The USACM Liquidating Trust requests claim #10725-01189 be disallowed in its entirety.	10725-01399	\$100,912.00

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Chavez, Roland 5 Falkner Dr Ladera Ranch, CA 92694-0294	10725-01195	\$50,000.00	The claim is based on investment in Marlton Square and is a duplicate of Claim #10725-02432. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01195 be disallowed in its entirety.	10725-02432	\$50,000.00
Adams, Herman M Brian M & Anthony G 1341 Cashman Dr Las Vegas, NV 89102	10725-01220	\$4,543.39	The claim is a duplicate of Claim #10725-01274. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01220 be disallowed in its entirety.	10725-01274	\$2,088,250.00
Rausch, Lawrence 10708 Brinkwood Las Vegas, NV 89134	10725-01228	\$44,812.00	This claim is based on investment in HFA Clear Lake 2 <sup>nd</sup> and is a duplicate of Claim #10725-02478. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01228 be disallowed in its entirety.	10725-02478	\$44,922.00
Rausch, Lawrence 10708 Brinkwood Las Vegas, NV 89134	10725-01230	\$91,467.00	This claim is based on investment in Amesbury/Hatters Point and is a duplicate of Claim #10725-02477. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01230 be disallowed in its entirety.	10725-02477	\$92,887.00

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Timothy J Porter IRA 8970 S Bank Dr Roseburg, Or 97470-7993	10725-01294	\$40,955.63	This claim is based on investment in Anchor B, LLC and Oak Shores II and is a duplicate of Claim #10725-02569. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01294 be disallowed in its entirety.	10725-02569	\$40,955.63
Kiven, Norman Andrew J Abrams Esq Sugar Friedberg & Fel. LLP 30 N Lasalle St., Ste. 3000 Chicago, IL 60602	10725-01300	\$48,248.00	This claim is a duplicate of Claim #10725-01478. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01300 be disallowed in its entirety.	10725-01478	\$96,496.00
Sinett, Sheldon 239 Harbor View Dr Port Washington, NY 11050	10725-01331	\$100,000.00	The claim is based on investment in Bundy Canyon Land Development, LLC and Marlton Square and is a duplicate of claim #10725-01367. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01331 be disallowed in its entirety.	10725-01367	\$100,000.00